

Robert E. Franz, Jr. OSB #730915

E-Mail: rfranz@franzlaw.comcastbiz.net

LAW OFFICE OF ROBERT E. FRANZ, JR.

P.O. Box 62

Springfield, OR 97477

Telephone: (541) 741-8220

Facsimile: (541) 741-8234

Of Attorneys for Defendants Will Stutesman,
Officer Grose, Officer Pieske, Sgt. McAlpine,
and the City of Eugene.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

EUGENE DIVISION

RONDA MCGOWAN, Personal
Representative for the Estate of Brian
Babb, **LEE BABB, CONNOR BABB**,
by and through his Guardian Ad Litem,
STEPHANIE WOODCOCK, and
KAYLEE BABB,

Case No. 6:17-cv-00424-TC

Declaration of
David Clark

Plaintiffs,

vs.

WILL STUTESMAN, OFFICER GROSE,
OFFICER PIESKE, SGT. MCALPINE,
CITY OF EUGENE, a municipal subdivision
of the State of Oregon, **JANE DOE CALL**
TAKER, and John and Jane Does 1-10.

Defendants.

I, David Clark, under penalty of perjury do hereby declare as follows:

I am over the age of 18, and I make this declaration based on my personal knowledge of the facts contained herein.


In listening to the live radio dispatch, Exhibit 103, at elapsed time 54:21, one can hear a voice say the following: “Malcolm, I am climbing over the fence in the backyard. Do you want to let me in the slider and I will help you?” That voice is the voice of Judson Warden. I was standing next to him when he made the statement over the radio.

At the time the above statement was made by Officer Warden, both of us were standing at the location I have put a red arrow on Exhibit 129.

After the statement was made, I helped Officer Warden get over the fence. I then turned around and walked back to my patrol car. At no time did I ever take any rifle or weapon out of the Babb house and put it on the front porch.

PURSUANT TO 28 U.S.C § 1746, I declare under penalty of perjury that the foregoing is true and correct.

DATED: December 7, 2018.


David Clark

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing DECLARATION OF DAVID CLARK on Plaintiffs on Tuesday, December 11, 2018, by notice of electronic filing using the CM/ECF System:

Mr. Timothy R. Volpert
Email: tim@timvolperlaw.com
Tim Volpert PC
610 SW Alder Street, Suite 415
Portland, OR 97205

Mr. Andrew M. Stroth
Email: astroth@actioninjurylawgroup.com
Action Injury Law Group, LLC
191 N. Wacker Drive, Suite 2300
Chicago, IL 60606

Attorneys for Plaintiffs

Dated: Tuesday, December 11, 2018.

/s/ Robert E. Franz, Jr.
LAW OFFICE OF ROBERT E. FRANZ, JR.
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Springfield, Oregon 97477
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Facsimile: (541) 741-8234
Attorneys for Defendants
Will Stutesman, Matthew Grose,
Nathan Pieske, Malcolm McAlpine,
and the City of Eugene